

## Message Text

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PM-03 DODE-00 OMB-01 TRSE-00 EB-04 /057 W

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P 130908Z JAN 78

FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 339

INFO AMEMBASSY JAKARTA PRIORITY

AMEMBASSY BANGKOK PRIORITY

AMEMBASSY SEOUL PRIORITY

CINCPAC

C O N F I D E N T I A L SECTION 1 OF 4 MANILA 721

LIMDIS

E.O. 11652: GDS

TAGS: SHUM, RP

SUBJECT: HUMAN RIGHTS: ASSISTANT SECRETARY DERIAN'S MEETING WITH  
PRESIDENT MARCOS AND OTHER GOP OFFICIALS

1. SUMMARY. ON JANUARY 11 ASSISTANT SECRETARY DERIAN  
HELD MEETINGS WITH PRESIDENT MARCOS, FOREIGN SECRETARY  
ROMULO, DEFENSE SECRETARY ENRILE AND OTHER GOP OFFICIALS  
TO DISCUSS THE HUMAN RIGHTS ISSUE RESPECTING THE PHILIPPINES.  
IN THESE DISCUSSIONS MS. DERIAN EMPHASIZED THAT THE  
PRESENT HUMAN RIGHTS SITUATION IN THE PHILIPPINES CREATES  
TENSION BETWEEN OUR TWO GOVERNMENTS AND IS A SUBJECT  
OF MAJOR INTERNATIONAL CONCERN. MS. DERIAN PRESSED THE  
GOP TO END MARTIAL LAW AND RETURN TO DEMOCRACY AND  
STRESSED THE IMPORTANCE OF A FREE PRESS IN THIS PROCESS.  
SHE ALSO FOCUSED ON TORTURE, THE AQUINO AND HERRERA CASES,  
THE ROLES OF RELIGIOUS GROUPS AND THE SUPREME COURT, AND  
U.S. LEGISLATION RELATING HUMAN RIGHTS TO THE US  
POSITION ON IFI LOANS. THE GOP RESPONSE WAS RATHER  
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STRONGLY DEFENSIVE IN CHARACTER. GOP OFFICIALS, WHILE  
CITING THE ACCOMPLISHMENTS OF MARTIAL LAW, INSISTED THAT  
THE REGIME HAD NO INTENTION OF PERPETUATING AUTHORITARIAN  
GOVERNMENT. THEY OFFERED LITTLE PROMISE HOWEVER THAT  
THE MARTIAL LAW STRUCTURE WOULD BE DISMANTLED QUICKLY.  
MARCOS WAS PARTICULARLY DEFENSIVE ABOUT THE GOP'S  
HANDLING OF THE AQUINO CASE. MS. DERIAN'S DISCUSSIONS

WITH OPPOSITIONIST PERSONALITIES ARE REPORTED SEPARATELY.  
END SUMMARY.

2. MS. DERIAN BEGAN HER GOP CONTACTS WITH 20-MINUTE  
COURTESY CALL ON FOREIGN SECRETARY ROMULO. THE  
SECRETARY WELCOMED HER TO THE PHILIPPINES AND SAID THE  
GOP HAD NOTHING TO HIDE. MS. DERIAN STATED FORCEFULLY  
THAT THERE WAS A "PROBLEM BETWEEN OUR TWO COUNTRIES,"  
WHICH WOULD BECOME INCREASINGLY SERIOUS IF THE GOP DOES  
NOT IMPROVE ITS OBSERVANCE OF HUMAN RIGHTS. SHE SAID  
AMERICANS WERE DISAPPOINTED THAT GOP HAD ABANDONED  
DEMOCRATIC TRADITION. ROMULO REPLIED THAT GOP DOES  
RESPECT HUMAN RIGHTS IN TERMS OF ROOSEVELT'S FOUR  
FREEDOMS. HE NOTED THAT GOP IS A CIVILIAN GOVERNMENT  
DEMOCRACY, HE SAID, WAS IMPOSED  
BY U.S.: "OTHERWISE YOUR CONGRESS WOULD NOT HAVE  
APPROVED OUR CONSTITUTION." PHILIPPINES HAS TRIED  
DEMOCRACY AND FOUND IT TOO ADVANCED, HE SAID. GOP  
IS NOW TEACHING DISCIPLINE AND CIVIC RESPONSIBILITY--  
HAVING PEOPLE CLEAN STREETS IN FRONT OF THEIR HOMES,  
STAND IN QUEUES, ETC. WHEN THE PEOPLE ARE SUFFICIENTLY  
DEVELOPED, ROMULO CONTINUED, MARTIAL LAW WILL BE LIFTED  
AND DEMOCRACY RETURNED. MS. DERIAN SAID THAT PHILIPPINES  
HAD A POOR REPUTATION IN WORLD OPINION BECAUSE OF MARTIAL  
LAW. ROMULO REPLIED THAT HE PERCEIVED NO ANIMUS AT THE  
UNGA AND QUESTIONED MS. DERIAN'S ABILITY TO SPEAK FOR  
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WORLD OPINION. ROMULO ENDED BY NOTHING THAT,  
WHILE PERCEPTIONS OF HUMAN RIGHTS PRIORITIES MIGHT DIFFER,  
THERE WERE MANY OTHER AREAS OF AGREEMENT BETWEEN US  
AND RP

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3. AT DEPARTMENT OF DEFENSE FORMAL BRIEFING ON MARTIAL LAW, VISUAL ASSISTANCE HAD BEEN PREPARED. AT SECOND SLIDE, WHICH FOCUSED ON RESTRICTIONS ON PUBLICATION, POSSESSION AND DISTRIBUTION OF CERTAIN PRINTED MATERIAL, MS. DERIAN TURNED TO SECRETARY OF DEFENSE ENRILE AND ENGAGED IN COLLOQUY WHICH EFFECTIVELY BROUGHT BRIEFING TO AN END AND CONTINUED FOR REMAINING HOUR AND A HALF. DISCUSSION WITH ENRILE TOOK PLACE IN PRESENCE OF CHIEF OF STAFF ESPINO, CHIEFS OF ARMED SERVICES BRANCHES, SOLICITOR GENERAL MENDOZA AND LARGE NUMBER OF DEFENSE OFFICIALS.

4. MS. DERIAN FOCUSED ON FUTURE OF MARTIAL LAW, STATUS OF PRESS, NEED FOR RETURN TO DEMOCRACY, TORTURE, ROLE AND INDEPENDENCE OF SUPREME COURT, AQUINO AND ACTION OF RELIGIOUS GROUPS.

5. ENRILE DEFENDED MARTIAL LAW ON GROUNDS CHAOTIC POLITICAL CONDITIONS AND CORRUPTION OF DEMOCRACY WHICH PRO-CONFIDENTIAL

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CEDED PRESIDENT'S DECLARATION.

6. MS. DERIAN RECOGNIZED THAT AUTHORITARIAN REGIMES WERE MOMENTARILY POPULAR IN TIMES OF CRISIS AND EMERGENCY BUT THAT, ONCE DECLARED, THEY TENDED TO CONTINUE INDEFINITELY UNTIL PEOPLE GET TIRED OF THEM. CALLING IT "A TRAGEDY" TO SEE DEMOCRACY END IN A COUNTRY WHERE IT HAD BEEN ESTABLISHED, SHE PRESSED ENRILE ON WHEN MARTIAL LAW WAS LIKELY TO END.

7. ENRILE INSISTED THAT CURRENT REGIME HAD NO INTENTION OF PERPETUATING AUTHORITARIAN GOVERNMENT AND WAS SEEKING TO MOVE BACK TO FORM OF DEMOCRACY. IF MARTIAL LAW WERE ENDED TOO QUICKLY, CHAOS COULD RESULT. ENRILE SAID PHILIPPINE GOVERNMENT WAS DEALING WITH PECULIAR PHILIPPINE PROBLEM INVOLVING LIVES AND PROPERTY OF PHILIPPINE PEOPLE. HE INSISTED THAT PEOPLE IN RURAL AREAS WERE NOW BETTER

OFF AND THAT PHILIPPINE GOVERNMENT WAS WILLING TO BE  
"HAILED BEFORE ANY FORUM."

8. DURING DISCUSSION THERE WAS FREQUENT REFERENCE TO  
CORRUPT COURTS ERA AND TO COMMUNIST THREAT IN EARLIER ERA.  
ENRILE ALSO SOUGHT TO JUSTIFY PHILIPPINE ACTIONS ON BASIS NOW OUT-  
DATED U.S. LAWS, INCLUDING SEDITION LAWS, AND THOSE  
IMMEDIATELY FOLLOWING CIVIL WAR. HE POINTED OUT  
AUTHORITY OF PRESIDENT TO DECLAR MARTIAL LAW CAME FROM  
EARLIER PHILIPPINE CONSTITUTION APPROVED BY U.S. CONGRESS.  
HE ALSO INSISTED THAT OPPOSITION, INCLUDING SALONGA,  
DIOKNO AND AQUINO HAD NOT ONLY DONE VERY LITTLE WHEN  
IN CONGRESS TO PROMOTE DEVELOPMENT BUT HAD OBSTRUCTED  
IT THROUGH FREQUENT HEARINGS AND CONSULTATIONS WITH  
COMMUNIST ELEMENTS.

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9. MS. DERIAN STRESSED THROUGHOUT CONVERSATION IMPOR-  
TNACE OF FREE PRESS, PARTICULARLY IF THERE WERE TO BE  
FREE ELECTIONS. ENRILE JUSTIFIED RESTRICTIONS ON PRESS ON  
GROUNDS IRRESPONSIBILITY OF PRESS AND SUPPORT FOR COMMUNIST  
BEFORE MARTIAL LAW. HE POINTED OUT THERE WAS NO "GOVERN-  
MENT CONTROL" BUT CONTROL WAS BY COMMITTEE OF PUBLISHERS  
(ALL OF WHOM ARE FRIENDLY TO REGIME.) HE ZEROED IN ON  
MANILA TIMES (CLOSED AT TIME OF MARTIAL LAW) WHICH HE  
SAID SUPPORTED "COMMUNIST STRUCTURE" AND TOTAL ELIMINA-  
TION OF AMERICAN BASES AND INVESTMENTS.

10. MS. DERIAN EMPHASIZED THAT PRESENT SITUATION, IN  
ADDITION TO "CREATING TENSION BETWEEN TWO GOVERNMENTS" IS  
A SUBJECT OF MAJOR INTERNATIONAL CONCERN. TO FREQUENT  
DEFENSE OF MARTIAL LAW SHE EMPHASIZED THAT A GOVERNMENT  
MUST TRUST ITS PEOPLE.

11. TO HER REPEATED SUGGESTIONS THAT PHILIPPINES MUST

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P 130908Z JAN 78  
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INFO AMEMBASSY JAKARTA  
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"MOVE BACK" TO DEMOCRATIC INSTITUTIONS AND END MARTIAL LAW, ENRILE REPLIED WITH INSISTENCE THAT CURRENT LEADERSHIP DID NOT INTEND PERMANENT AUTHORITARIAN REGIME BUT HE GAVE NO HINT OF WHEN MARTIAL LAW MIGHT BE LIFTED.

12. WITH RESPECT TO TORTURE, ENRILE ADMITTED THAT THERE "HAD BEEN A FEW CASES OF MALTREATMENT" BUT INSISTED THAT TORTURE WAS NOT THE POLICY OF THE GOVERNMENT. HE INSISTED THAT THERE WERE NO "POLITICAL PRISONERS" BUT THAT ALL THOSE IN MILITARY CUSTODY WERE THERE FOR "CRIMES." HE GAVE A FIGURE OF 2,000 BUT DID NOT INDICATE HOW MANY OF THESE WERE THERE FOR POLITICAL CRIMES.

13. HE INSISTED MRS. HERRERA HAD NEVER BEEN TORTURED BUT HAD BEEN COACHED BY HER LAWYER TO MAKE THE COURT BELIEVE IT. MS. DERIAN REPLIED THAT WHEN A COUNTRY HAS MARTIAL LAW, NO ONE BELIEVES GOVERNMENT STATEMENTS. SHE SAID, "I BELIEVE MRS. HERRERA WAS TORTURED." ENRILE INSISTED THAT IF MARTIAL LAW WERE DISBANDED, MANY PEOPLE  
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WOULD DIE IN THE RESULTING CHAOS. IN REPLY, MS. DERIAN SAID IT WAS "THE DUTY OF A COUNTRY TO BEND OVER BACKWARDS TO PROTECT CITIZENS AGAINST THE WEIGHT OF THE STATE."

14. AN EXTENDED DISCUSSION WITH SOLICITOR GENERAL MENDOZA DEALT INCONCULSIVELY WITH THE ROLE AND INDEPENDENCE OF THE SUPREME COURT AND THE STATUS OF HABEUS CORPUS. THIS LED TO DISCUSSION OF AQUINO CASE AND TO ENRILE'S AGREEMENT THAT MS. DERIAN COULD SEE AQUINO (WHICH SHE DID --SEE SEPTEL). IN TALKING ABOUT AQUINO, ENRILE INSISTED THAT AQUINO WAS NO TRUE DEMOCRAT BUT HAD EVEN MORE AUTHORITARIAN IDEAS THAN MS. DERIAN WAS ATTRIBUTING TO MARCOS. ENRILE SAID THAT "IF AQUINO HAD DECLARED MARTIAL LAW, HE

WOULD HAVE LINED UP 100 LEADING CITIZENS AGAINST THE WALL AND SHOT THEM."

15. ON ROLE OF RELIGIOUS GROUPS, ENRILE SAID THAT GOVERNMENT COULD NOT GIVE FREE REIGN TO SMALL ELEMENTS AMONG CLERGY WHO SOUGHT TO "LINK COMMUNISM WITH GOD."

16. MS. DERIAN'S MEETING WITH PRESIDENT MARCOS, WHICH FOLLOWED IMMEDIATELY THEREAFTER, BEGAN BY HER PRESENTING A LETTER ON THE AQUINO CASE FROM SENATOR REIGLE OF MICHIGAN. MARCOS RESPONDED WITH LENGTHY DISCUSSION OF AQUINO CASE BEGINNING WITH STATEMENT " THE PROBLEM IS TO FIND OUT WHAT AQUINO WANTS."

17. MARCOS SAID HE HAD OFFERED HIM "NOT EXACTLY IN BLACK AND WHITE" AMNESTY AND PARDON BUT THAT AQUINO HAD CONTINUALLY CHANGED THE SIGNALS. RESPONDING TO MS. DERIAN'S STATEMENT THAT DEATH SENTENCE HAD CREATED GREAT CONCERN, MARCOS INSISTED THAT SENTENCE WAS JUSTIFIED IN TERMS OF CHARGES OF MURDER AND PASSING OF ARMS TO COMMUNIST  
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ELEMENTS WHICH HAD BEEN MADE AGAINST AQUINO. HE INSISTED THAT HE COULD DO NOTHING WHILE CASE WAS BEFORE SUPREME COURT AND THAT HE COULD CERTAINLY NOT "LET HIM GO BECAUSE AMERICANS WANT ME TO FREE HIM." MARCOS ALSO RESPONDED SHARPLY TO MS. DERIAN'S DESCRIPTION OF AQUINO AS "WIDELY PERCEIVED TO BE POPULAR POLITICAL FIGURE." POINTING OUT THAT AQUINO HAD NOT GOTTEN PARTY NOMINATION IN LAST ELECTION, HE INSISTED AQUINO WAS NOT POPULAR AND EMPHASIZED HIS OWN TOLERANCE OF AQUINO. MARCOS SAID "IF THIS HAD BEEN ANY OTHER COUNTRY, AQUINO WOULD HAVE BEEN SHOT UPON DECLARATION OF MARTIAL LAW. I ORDERED THAT NO ONE BE TOUCHED WHEN I PROCLAIMED MARTIAL LAW."

18. MARCOS, WHO HAD WITH HIM SOLICITOR GENERAL MENDOZA AND ENRILE, INSISTED THAT HABEAS CORPUS PROCEEDINGS WERE STILL PERMITTED ALTHOUGH THERE WAS A "TIME LAG" IN THE COURT PROCEEDINGS.

19. IN HER PRESENTATIONS, MS. DERIAN EMPHASIZED "TENSION" BETWEEN U.S. AND PHILIPPINE GOVERNMENTS OVER MARTIAL LAW AND NEED TO RETURN TO DEMOCRACY. MARCOS JUSTIFIED MARTIAL LAW LARGELY ALONG SAME LINES USED BY ENRILE AND STRESSED THAT HE WAS MOVING TOWARD LEGISLATIVE ELECTION IN 1978. HE EMPHASIZED THAT HE COULD NOT LIFT MARTIAL LAW AS LONG AS WAR CONTINUED IN SOUTH. HE TOLD MS. DERIAN HE COULD GIVE HER TIMETABLE FOR END OF MARTIAL LAW IF SHE COULD TELL HIM WHEN MOSLEM REVOLT WOULD STOP. PROBLEM WAS COMPLICATED BY APPARENT LINKS BETWEEN SOUTHERN MOSLEM

REBELS AND NEW PEOPLE'S ARMY.

20. MS. DERIAN RAISED CHARGE THAT SISON, CAPTURED LEADER  
OF NEW PEOPLE'S ARMY, WAS BEING HELD INCOMMUNICADO.

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INFO AMEMBASSY JAKARTA PRIORITY  
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PRESIDENT AND ENRILE ADMITTED THIS BUT EMPHASIZED  
DANGER OF SISON TO PHILIPPINE STATE AND NEED TO PREVENT  
HIS COMMUNICATION WITH COMMUNIST ELEMENTS OUTSIDE. ENRILE  
BECAME PARTICULARLY EMOTIONAL AND SAID HE RESENTED FACT  
THAT PEOPLE WERE ARGUING ON BEHALF OF SISON WITHOUT  
"THINKING ABOUT THE WOMEN, CHILDREN AND SOLIDERS HE HAS  
KILLED." MS. DERIAN INSISTED SHE WAS NOT DEFENDING SISON  
BUT WAS SPEAKING OF DUE PROCESS. ENRILE GAVE NO GROUND  
ON SISON CASE, STATING HE WOULD BE HELD INCOMMUNICADO  
PERMANENTLY IF THIS WERE NECESSARY.

21. MARCOS ALSO SPOKE STRONGLY ON THIS SUBJECT AND  
TURNED TO MS. DERIAN AT ONE POINT AND SAID, "ALL RIGHT,  
HOW WOULD YOU TREAT HIM?" MS. DERIAN STRESSED LEGITIMACY  
OF GOVERNMENT AND RESPONSIBILITY OF GOVERNMENT TOWARD ALL  
PERSONS REGARDLESS OF WHAT THEY MAY HAVE DONE. SHE INSISTED  
THAT HE SHOULD HAVE ACCESS TO HIS LAWYER AND HIS FAMILY.  
MARCOS SAID HE WOULD "STUDY THE MATTER."

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22. MS. DERIAN THEN MADE PRESENTATION OF U.S. POSITION ON LOANS IN INTERNATIONAL FINANCIAL INSTITUTIONS IN WHICH EXECUTIVE IS REQUIRED TO UPHOLD CONGRESSIONAL ACTION BOTH TO PROMOTE HUMAN RIGHTS AND TO "DISTANCE" U.S. GOVERNMENT FROM THOSE REGIMES CONSIDERED TO BE IN VIOLATION OF HUMAN RIGHTS. SHE SUGGESTED THAT IF HUMAN RIGHTS SITUATIONS IN COUNTRIES WHICH WERE RECIPIENTS OF IFI ASSISTANCE DID NOT IMPROVE, U.S. CONTRIBUTION TO THESE BANKS WOULD SUFFER ACCORDINGLY.

23. MARCOS RESPONDED SOMEWHAT SHARPLY, SAYING, "YOU DON'T NEED TO TWIST OUR ARM AND YOU DON'T NEED TO EMPLOY DOLLAR DIPLOMACY." HE THEN WENT INTO EXTENDED STATEMENT ABOUT PHILIPPINE COMMITMENT TO HUMAN RIGHTS, RECOUNTING PHILIPPINE SUPPORT FOR HUMAN RIGHTS IN UN FORA, DEDICATED TO HUMAN RIGHTS IN STRUGGLE AGAINST SPANISH, AMERICANS, AND JAPANESE, AND DEDICATION OF HIS LEADERSHIP AS EXEMPLIFIED BY ECONOMIC BENEFITS BROUGHT TO PEOPLE.

24. MS. DERIAN CONCLUDED WITH EXPRESSION OF APPRECIATION TO PHILIPPINE GOVERNMENT FOR ITS HOSPITALITY TO VIETNAMESE REFUGEES.

25. AT THE AMBASSADOR'S RECEPTION THAT EVENING, MS. DERIAN HAD A LENGTHY CONVERSATION WITH SUPREME COURT JUSTICES FERNANDEZ AND TEEHANKEE. SHE TOLD EMBOFFS LATER THAT SHE WAS IMPRESSED AT THE RESPECT ACCORDED TEEHANKEE (WHO FREQUENTLY RENDERS JUDGMENTS OPPOSING GOP) BY LOYALIST FERNANDEZ. MS. DERIAN ALSO CONCLUDED THAT THE SUPREME COURT IS RELATIVELY INDEPENDENT FROM GOVERNMENT PRESSURES. (COMMENT: EMBASSY IS NOT PERSUADED THAT SUPREME COURT IS ABLE TO RENDER INDEPENDENT  
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JUDGMENTS IN MATTERS OF VITAL INTERESTS TO THE GOP OR PRESIDENT MARCOS.)  
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## Message Attributes

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